CC-2003-418



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State of Alabama Unified Judicial System		JUDGEMENT/ORDER			Case Number CC - 2003 - 418
Form C-18	Rev. 10/86				
IN THE	CI (Circuit, I	RCUIT District or Municipal)	COURT OF	(Name of County or Munic	ipality)
STATE OF	ALABAMA		v. <u>LA</u>	RYIE EARL JONES Defendar	1
		Plaintiff		Detendar	
(For juvenile In the Matter	cases only): · of:				
		is continued on o		220/	
	DONE	and ORDERED this	23rd day of <b>F</b> ebr	uary, 2004.	
			М.	ASHLEY McKathan, CIR	CUIT JUDGE
				FILED	IN OFFIC.
		÷,	,	FEB 2	2 6 200d
			Sign	ature of Judge	
Certified as	s a true copy				

\_ By:\_\_

Date

Clerk

Clerk

DONE and ORDERED this the 15th day of February, 2005.

M. ASHLEY MCKATHAN, CIRCUIT JUDGE

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		•
	ABAMA JUDICIAL IN	FORMATION CENTER
C	CASE ACTION SUMMARY CONTINUATION	CASE: CC 2003 000418.00 JUDGE ID: MAM
	YS JONE	S LARRYIE EARL
TATE OF AL	ACTION, JUDGMENTS, CASE NOTE	
DATE	ACTION, JOBOTEM 3, 5112	C C US CA
01/150/	notion to with draw	
1-20-1041	Owned and to Malin	Ji-lu O
2.2.04	Develed annu to Matin Motor & Bond Renatation	- 13/04 ( ) Jan; True 12 -
	nothing to indicate that the light	Vi_ dis_ Lang_ Classes _ M Class_ Class
	1 with respect to the Darkander	- Historica Contraction of the second
2-26-64	ander come on defence wal	
6-21-04	ander Come on defence mal	
	Defendant fails to appear as required.	
	Consequently, the Clerk shall issue an alias warra	
	said defendant's arrest, and shall likewise institute appropriate bond forfeiture proceedings.	B
	1	4
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	CIRCUIT INDGF	
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1.27 -04	aleas Assured: Executal:	
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Form C-18 Rev. 10/86  IN THE CIRCUIT			1	Case Number CC-2003-187 CC-2003-418	
IN THE CIRCUIT				EC=2884-34	3
(Circuit, District	or Municipal)		NGTON COUNT		ABAMA
STATE OF ALABAMA		v. LARRYIE EAR			·
Plainti	iff:		Defendan	it	
(For juvenile cases only): In the Matter of:			F,	ILED IN OFFIC	E
•			J	IUN 0 3 2005	
	ORDERED that Hon. Al		llowed to wi	IA Pour CLERK	
•		icing attorney i		County.	
Riley Powell					
Alabama, should b	e, and he therefore t	is, appointed to	represent	this	
indigent defendan	t from this day forwa	ard.	•		
DONE and ORD	ERED this the 3rd day	y of June, 2005.			
		M. ASHLEY MCKATE	Ar Jahran, CIRCUIT	JUDGE	
			•		
·					
		•			
			,	. ,	,
,	•		•		
		Signature of Jud	lge		
Certified as a true copy					
Data	<u> </u>			·	
Date					
Clerk	By:				

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State of Alabama Unified Judicial System	no	GEMENT/(	Case Number CC - 2003 - 418	
Form C-18 Rev. 10/86				
	IRCUIT istrict or Municipal)	COURT OF	(Name of County or Mun	icipality)
State of Alabama		√ Lai	yie Earl Jones	
	Plaintiff	······································	Defend	ant
(For juvenile cases only): In the Matter of:				
				<b></b>
			defendant's motion.	
Hon. Grady I	anier seeks permī	ssion to with	iraw as counsel for I	Laryie Earl
Jones, and t	hat request is GR	ANTED. Mr. Jo	ones indicates that h	ne will retain
			irty (30) days to do	
			llowed, then, in that	
David Baker	shall be deemed t	to be appointe	d as the new defense	lawyer, all
without furt	her order of the	Court.		
DONE ar	d ORDERED this th	ne 22nd day of	September, 2004.	
		M.	ASHLEY MCKATHAN, CI	RCUIT JUDGE
	FILED IN OFFICE			
	SEP 2 3 2004			
Æ	A Price			
· <b>_</b> •	·	Siar	nature of Judge	
Certified as a true copy		Jig.		

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By:\_

Date

Clerk

### IN THE CIRCUIT COURT OF COVINGTON COUNTY, ALABAMA

STATE OF ALABAMA, Plaintiff,

vs.

CC-2003-187-MAM CC-2003-418-MAM

LARYIE JONES

CC-2003-419-MAM CC-2004-347-MAM FILED IN OFFICE

APR 11 2005

#### MOTION TO CONTINUE

Ray A Parece CLERK

COMES NOW, LARYIE JONES, by counsel, and moves to CONTINUE the trial of this matter now set for April 25, 2005, and cites as grounds therefore as follows:

- 1. This Honorable Court granted the Defendant's motion for funds for an expert forensic chemist on February 15, 2005.
- 2. Counsel has offered to pay the custodian of evidence the mileage afforded state employees to transport the evidence to the designated forensic chemist in Auburn, Alabama to expedite the independent testing allowed and authorized by the Court. Counsel has also offered to pay the cost via UPS or FEDEx to transport the evidence. Counsel has offered to stipulate to the chain of custody and make no issue regarding same, at any stage of the case.
- 3. The custodian of the evidence has declined to release the evidence for testing without a court order. Therefore, no independent testing has taken place.

PREMISE considered, this Honorable Court is requested to continue this matter from the April 25, 2005, docket to permit testing. A separate request for an order to transport the evidence is requested.

Respectfully submitted this April 11, 2005.

Sydney Albert (Al) Smith

SMI098

Attorney at Law P. O. Drawer 389

Elba, Al 36323

Phone:

334-897-3658

Fax:

334-897-8633

CERTIFICATE OF SERVICE

OUT JUDGE

Page 1 of 2

# IN THE CIRCUIT COURT OF COVINGTON COUNTY, ALABAMA

STATE OF ALABAMA,
Plaintiff,

VS.

LARYTE JONES

CC-2003-187-MAM CC-2003-418-MAM CC-2003-419-MAM CC-2004-347-MAM

### MOTION TO WITHDRAW

COMES NOW, SYDNEY ALBERT SMITH, appointed counsel for LARYIE EARL JONES, and moves to WITHDRAW as counsel and cites as grounds therefore as follows:

- 1. The Defendant has recently written counsel a letter expressing anger with the way counsel is handling, or not handling his case.
- 2. The Defendant has accused counsel not helping him, "not working for me", and that he, the Defendant is or has "writen" (sic) the State Bar complaining about counsel.
- 3. The Defendant has stated that, "I will give you to next week to get me out of jail, so it is up to you, or you will answer to the State Bar".
- 4. The Defendant continues to, against counsel's advice, file pro se motions and law suits that are essentially frivolous and harassing.
- 5. Counsel has admonished the Defendant that there can be only one of us representing him, either appointed counsel or the Defendant, not both. The Defendant persists in trying to represent himself in contravention to what counsel advises, continues to file numerous *pro se* pleadings essentially without merit and misquoting law, and now has accused counsel of misconduct and threatened counsel.

PREMISE considered, the Defendant has made it impossible for counsel to continue to represent him without be in jeopardy of violating the Rules of Professional Conduct.

Respectfully submitted this May 9, 2005.

Sydney Albert (Al) Smith

SMI098

Attorney at Law P. O. Drawer 389 Elba. Al 36323

Phone:

334-897-3658

Fax:

334-897-8633

Page 1 of 2

#### CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing the date above by placing same in the United States Mail, postage paid, and addressed as follows:

> Honorable Walt Merrill Chief Assistant District Attorney Covington County Courthouse Andalusia, AL 36420

> > Mr. Laryie Earl Jones %Covington County Jail 290 Hillcrest Dr. Andalusia, AL 36420

Page 2 of 2

:

STATE OF ALABAMA,	···· }	
PLAINTIFF,		OG 03 41°
VS.	}	CASE NO: CC-03-418
LARYIE EARL JONES DEFENDANT.	}	

# MOTION FOR CONTINUANCE

COMES NOW the Defendant, Laryie Earl Jones by and through his counsel of record, A. Riley Powell, IV, and moves this Honorable Court to continue his trial, currently scheduled for the Week of June 27, 2005 and as grounds therefor sets down and assigns the following:

- 1. Counsel for Defendant was just recently appointed.
- 2. Counsel for Defendant has not had adequate time to prepare his case.
- 3. See attached Consent to Continuance executed by the Defendant.

Respectfully submitted this 27 day of June

THE POWELL LAW FIRM, P.C.

A. Riley Powell, IV (POW029)

Post Office Drawer 969 Andalusia, Alabama 36420

334/222-4103

# CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the above and foregoing on all counsel of record for the parties by placing a copy of same in the United States mail, postage prepaid and addressed to their regular mailing address, as follows:

Honorable Walt Merrell District Attorney's Office Covington County Courthouse Court Square Andalusia, Alabama 36420

This the 27 day of June

In the Circuit Court of Guington County, Alabama

STATE OF ALABAMA,

45.

LARRYIE EARL JONES,
Defendant

Case Numbers

cc-2003-187

CC- 2003-418

CC- 2003-419

CC - 2004 - 347

# CONSENT TO CONTINUANCE

I, Larryie Earl Jones, do hereby consent to my cases being continued by the Burt from their current trial setting (June 30, 2005). I also understand that I have an ongoing Motion for Speedy Trial.

I have discussed the continuence and the Speedy Trial Motion with my attorney. I understand my rights and intelligently knowingly, voluntarily and intelligently consent to the continuence of the trial.

Done this 27th day of June, 2005

Withess

Witness

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Laryie Edrl Jones

Case	Number
•	

State of Alabama Unified Judicial System		CASE ACTION SUMMARY CONTINUATION	Case Number				
Form C-7 Rev. 2	/ <b>TR</b> 3	Page Number of Page					
DATE	STATE	OF ALABAMA ACTIONS, JUDGMENTS CAFE NOTES CL	IT COURT OF				
			COUNTY, ALABAMA				
	VS	*					
		E EARL JONES, CASE NO. CC	2003-418				
		DEFENDANT, *					
		ORDER					
		The defendant, Laryie Earl Jones, appeared in open Court in	person with Hon. Ab Powell,				
	The par	rtner of his defense counsel of record, and, whereupon the def	endant withdrew his plea of				
		essession of a Controlled.					
<b>)</b>	Substance (Cocaine), said crime being set forth in Count I of the indictment.						
	Upon his plea of guilty, the Court proceeded per the requirements of the Alabama Rules						
	of Crir	of Criminal Procedure, by which means it accepted the said plea. On account of the foregoing					
	things,	things, defendant stood and was adjudged to be guilty of Unlawful Possession of a Controlled					
	Subst	ance (Cocaine) as charged in Count I of the indictment. The	Court then sentenced such				
	1	iant to a term of fifteen (15) years imprisonment in the penite					
	Alabama under the Habitual Felony Offender Act on Count I. Notwithstanding that fact, it is						
<u> </u>	specif	specifically provided that the defendant shall receive credit for any time already served on this					
	prosec	prosecution. Further, and in view of the preceding matters, all other Counts of the indictment are					
		now due to be, and same accordingly are, nolle prossed.					
		Further, the sentence imposed herein shall run concurrently	with any time simultaneously				
	serve	d in Covington County Case Numbers CC-2003-187 and CC					

	ACTIONS, JUDGMENTS, CASE NOTES
ate	
	As additional punishment for the conviction in this particular cause, the defendant was
·	ORDERED to pay, all costs incurred herein, including the fees of court appointed defense
	counsel; \$100.00 to the Alabama Crime Victim's Compensation Fund; \$2,000.00 User's Fee
	(Count I); \$100.00 to the forensics trust fund
<u></u> .	Said payments are to be made as follows: \$50.00 per month
	beginning as indicated by separate order bearing even date herewith.
	It is further ORDERED that the defendant: shall submit to substance abuse evaluation by
	the Court Referral Officer and undergo treatment in that level of Substance Abuse Program as
	such officer may recommend; Shall surrender his driver's license to the State Department of
	Public Safety who shall suspend or revoke same for six (6) months by reason of this judgment,
	pursuant to the plea agreement and as required by law; shall, within 30 days of his release from
	incarceration enroll in and successfully complete a twelve (12) month residential substance
	abuse rehabilitation program; shall attend Substance Abuse Recovery meetings (e.g., Narcotics
	Anonymous, Alcoholics Anonymous, etc.) at least once a week; shall forfeit to the State all
·	seized evidence in this case for the purpose of destruction; and, upon recommendation of the
	State of Alabama, the Sheriff of Covington County is directed to issue the Defendant a 48 hour
	pass for leave from the Covington County Jail, beginning at 5:00 p.m. on September 28, 2005
	and ending at 5:00 p.m. on September 30, 2005
·	The above acts being done, the Court notes that it specifically advised the defendant of
	his limited rights of appeal under Rule 14.4(a)(1)(viii), A.R.Crim.P. but he did not give any kir
	of notice of appeal.

	ACTIONS, JUDGMENTS, CASE NOTES
Date	ACTIONS
	The defendant did apply for the benefits of probation and herein is granted a split
	sentence. The defendant shall now serve one (1) year in the penitentiary of the State of Alabama
	upon his total term in this case, with said split sentence beginning on September 27, 2005 and
	concluding one (1) year from that date. The defendant shall nonetheless receive credit for time
	served as specified previously in this Order, but without any deduction therefrom under the
	Alabama Correctional Incentive Time Act. The execution of the remainder of the defendant's
	sentence is thereupon suspended, and the defendant is placed upon probation for such remainder
	by separate order bearing even date herewith.
	DONE and ORDERED this the 27 day of figure 2005.
	John Michael Boloman
	M. ASHI DY MCKATHAN
	CIRCULT JUDGE
	I have read over and/or have had read to me by my attorney the above Order and attest I
	understand said Order and that said Order accuractly sets out are particularly
	reached with the State.  Sant East Lane
	DATE DEFENDANT
	is with and/or read it to the defendant. Lattest
	that said Order accurately sets out the plea agreement that he has assured me
	further attest that I have discussed this Order with my chefit to the orders that he understands said Order and that I am comfortable in representing that he understands said
	Order.
	9/27/05 Mb X/one (4)
	DATE ATTORNEY FOR DEFENDANT
<b>D</b>	

Date	ACTIONS, JUDGMENTS, CASE NOTES					
	The State is satisfied that the above order accurately sets out the plea agreement reached by the					
·	parties in this matter					
	DATE PROSECUTING ATTORNEY					
9-27-05	DATE PROSECUTINO ATTORNEY  ran y Proteter after all oran y Splex Section  Drawcupt & Record					
9.28.05	Transcript & Record					
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State of Alabama Unified Judicial System	ORDER OF PROBATION AFTER ALLOWANCE OF SPLIT-SENTENCE	Case Number
Form C-53 Rev. 2/81, as modified for local use.		15 114 1-01104
		·
IN THE CIRCUIT	COURT OF COVINGTON	COUNTY
STATE OF ALABAMA	vs. LARRYIE EARL JONES	······································
It is the further order of the Court that been conviced by sour Probation officer, inclured the substance of	defendant has ted of the offense of Unl, Poss. of a Controlled S ful Offender for the underlying offense of	directed that the released on ditions of probation:  15-22-2, wed in advance by the ments of not less than
Race Age Sex	Probationer sign here	
Occupation	Linearionet 218th vete	

Address of Probationer

State of Alabama Unified Judicial System

(Habitual Or Non-Habitual Offender -- Circuit or District Court)

CC-03-418

Unified Judicial System Form C_44C (front) Rev. 8/95 (Habit Form C_44C (front) Rev. 8/95 As rev. for local use 6/98; 6/00, 8/02	rual Or Non-Francisco	COUNTY ALABAMA
IN THE CIRCUIT (Circuit, or Diatrict)	COURT OF COVINGTON (Name of County)	COUNTY,ALL
STATE OF ALABAMA V.	LARYIE FARL JONES Defendant	which to curer a plea of guilty in this case, this is to

TO THE ABOVE-NAMED DEFENDANT: The Court being informed that you wish to enter a plea of guilty in this case, this is to inform you of your rights as a criminal defendant. O VOLID CACE

inform you of your rights as	a complex occurs	VOUR CAS	E
Internal years	PENALTIES APPLICABLE TO	100	
count(s) of	Unl Poss CS which is a Class Unl Poss Drug Paraphwhich is a Class which is a Class which is a Class		Misdemeanor.   Misd
eount(6) 61	. s-wile to S	he crime(s) of:	
The Court has been in	on count(s) which is a Class	C	☐ Felony ☐ Misdemeanor. ☐ Felony ☐ Misdemeanor. ☐ Pelony ☐ Misdemeanor. ☐ Felony ☐ Misdemeanor.
	the above crime(s) is set out below:		. d and
MISDEMEANOR	FELONY  Up to one (1) year imprisonment in the county juil, or a fine up to \$2000, or both.	Class A	Not less than ten (10) years and not more than life or amety-nine (99) years imprisonment in the state peniltentary, and may include a fine not to exceed 20,000.
	Up to six (6) months imprisonment in the county juil, or a fine up to \$1000, or both	Qans B	Not less than two (2) years and not more than twenty (20) years imprisonment in the state penitentiary, and may include a fine not to exceed \$10,000.
Class B	Up to three (3) months impresonment in the county jail, or a line not to exceed \$500, or both	Class C	Not less than one (1) year and one (1) day and not more than ten (10) years imprisonment in the state penitentiary, and may include a fine not to exceed \$5,000.

Class C You will also be ordered to pay the costs of court, which may include the fees of any appointed attorney, and restitution if there is any. You will also be ordered to pay an additional monetary penalty for the use and benefit of the Alabama Crime Victims Compensation You will also be ordered to pay an additional monetary penalty for the use and beneat of the calculations of sold for each misdemeasor for which Commission of not less than \$50 and not more than \$10,000 for each felony and \$25 and not more than \$1,000 for each misdemeasor for which you are convicted. This crime is also subject to the following enhancements or additional penalties as provided by law: (Provisions Checked

No a reported Habitual Offender, you are further advised that the Alabama Habitual Offender Act, \$13A-5-9, provides the following As a reported Haustusi Officinger, you are surmer advised that the Madama Habitusi Officing Act, \$12,16-2-7, provides the following cohanced punishment for anyone who has been previously convicted of one or more felonies and who then is convicted of a subsequent felony.

nor Pelonics → bis offense ↓  Class C Felony		One To Prior Felony 2.20 Years In State Pententiary Fine Up To \$14,000	Prior Federaces 10 years - Life or 99 Years In State Penings PED IN Fine Up To \$20,000	10 Years - Life Impropries.
Cless B Felony	1 - 20 Years in Scoto Fanitantiary Fine Up To \$18,000	10 Years - Life or 99 Years in State Penisentiary Pine Up To \$20,000	Years In State Pontion OF P 2 Fine up To  Une Imprisonment or Any A of	Mandatory Imprisonment  Mandatory Imprisonment  About In I imposized A Polony
Class A Felony	10 Years - Life or 99 Years In State Penlinetisty First Up To \$20,000	15 Years - Life or 99 Years In State Penitendary Plac Up To	Term Of Your Pointendary Years in State Pointendary Fine Up To  penalties, as provided by law	opposes. Otherwise se barries

This citre is also subject to the following enhancements or additional penalties, as provided by law (Provisions checked apply to your

punishment where a "firearm or deadly weapon was used or attempted to be used in the commission of a felony." This section provides for punishment where a integrm or denoty weapon was used or attempted to be used in the commission of a telony. And section provides for the following punishment in such event: For the commission of a Class A. Felony, a term of imprisonment of not less than 20 years; For the the following pullishment in such event: For the commission of a Class A. Felony, a term of imprisonment of not less than 10 years; For the commission of a Class C Felony, a term of imprisonment of not less than 10 years; For the commission of a Class C Felony, a term of imprisonment of not less than 10 years;

imprisonment of not less than 10 years.

| Enhanced Punishment For Drug Sale Near Housing Project: §12A-12-270, Code of Alabama 1975, provides that any person who is convicted of unlawfully ediling any controlled substance within a three (3) mile radius of a public housing project owned by a housing authority must be punished by an additional penalty of five years' imprisonment for each violation.

| Enhanced Pinnishment For Drug Sale Near School: 613A-12-250 Code of Alabama 1975 consider that any person who is convicted to the convergence of the convergence imprisonment of not less than 10 years.

is be punished by an additional penalty of twe years unpresonment for each violation.

□ Enhanced Punishment For Drug Sale Near School: \$13A-12-250, Code of Alabama 1975, provides that any person who is convicted of unlawfully selling any controlled substance within a three (3) mile radius of a public or private school, college, university or other

of unlawfully selling any controlled substance within a three (3) mile radius of a public or private school, couege, university or other educational institution, must be punished by an additional penalty of five years' imprisonment for each violation.

| Enhanced Punishment For Sale Of Controlled Substance To One Under 18: \$13.4-1 2-215, Code of Alabama 1975, provides that anyone convicted of selling, furnishing or giving away a controlled substance to one who has not yet attained the age of 18 years, shall be guilty of Convicted of selling, furnishing or giving away a controlled substance to one who has not yet attained the age of 18 years, shall be guilty of

convicted of selling, furnishing or giving away a controlled substance to one who has not yet attained the age of 18 years, shall be guilty of a Class A Felony and the punishment imposed shall not be suspended or probation granted.

\*\*Differensic Trust Fund Fee: Section 36-18-7 provides that, in addition to all fines, fees, costs and punishments prescribed by law, there shall be imposed or assessed an additional fee of \$100.00 on any conviction in any court of the state for drup mossession, drug sale, drug trafficking and drug paraphernalis offenses as defined in Sections 13A-12-211 to 13A-12-260 2005 12:50

Drug Demand Reduction Assessment Act and Loss of Driving Privileges: Section 13A-12-281 provides that, if you are convicted of a violation of \$\infty\$13A-12-203, 13A-12-203, 13A-12-204; 13A-12-211, 13A-12-213, 13A-12-213, 13A-12-215 or 13A-12-231, Code of Abbams 1975, you shall be assessed an additional fee of \$1000 if you are a first-time offender or \$2000 if you are a repeat offender under one of these sections. Collection of all or part of the penalty will be suspended if, with Court approval, you enter a drug rehabilitation program and if you agree to pay for a part or all of the program costs. Upon successful completion of the program, you may apply to the Court to reduce the penalty by the amount actually paid by you for participation in the program. Any suspension of the penalty can be withdrawn by the Court if you fail to enroll in or successfully pursue or otherwise fail to complete an approved program. In addition, you will lose your privilege to drive a motor vehicle for a period of six months, which is also applicable if convicted under \$\infty\$13A-12-214, 32-5A-191(a)(4).

Any suspension of the pensity can be withdrawn by the Court in you had to enfolt to the Australia parable or interwise fail to complete an approved program. In addition, you will lose your privilege to drive a motor vehicle for a period of six months, which is also applicable if convicted under \$\$13A-12-214, 32-5A-191(a)(3) or 32-5A-191(a)(4).

X Alcohol Related Offense: If you are convicted of an alcohol or drug-telated offense, you will be required to undergo an evaluation for substance abuse. Based upon the results of any such evaluation, you will be required to complete the recommended course of education and/or treatment and to pay for the evaluation and suty program to which you are referred. Pailure to submit to an evaluation or failure to complete any program to which you may be referred will be considered a violation of any probation or parole you may be granted. You may also be required to attend monitoring sessions, including random drug and alcohol testing or blood, nine and/or breath tests, and to pay a fee for this service. You may request a waiver of part or all of the fees assessed if you are indigent or for any portion of time you are financially unable to pay. Community service may be ordered by the Court in lieu of the monetary payment of fees by an indigent.

DNA Samples for Criminal offenses in \$36-18-24, Code of Alabama 1975. \$36-18-25(c) provides that, as of May 6, 1994, all persons convicted of any of the offenses set out in \$36-18-24, shall be ordered by the court to submit to the taking of a DNA sample or samples.

Dother AS SET OUT THE PLEA AGREEMENT

#### RIGHTS YOU HAVE AND WALVER OF YOUR RIGHTS

Under the Constitution of the United States and the Constitution and laws of the State of Alabama, you have a right to remain silent and you may not be compelled to give evidence against yourself. Your attorney cannot disclose any confidential talks he/she has had with you. You do not have to answer any questions. If you do answer questions knowing that you have a right to silence, you will have waived your right.

You have the right to enter, and continue to assert, a plea of "not guilty" or "not guilty by reason of mental disease or defect," and have a public trial before a duly selected jury. The jury would decide your guilt or innocence based upon the evidence presented before them. If you elect to proceed to trial, you would have the right to be present, you would have the right to have your attorney present to assist you, you would have the right to confront and cross examine your accuser(s) and all the State's witnesses, you would have the right to subpocna witnesses to testify on your behalf and to have their attendance in court and their testimony required by the Court, and you would have the right to take the witness stand and to testify but only if you chose to do so, as no one can require you to do this. If you elect to testify, you can be cross-examined by the State, just as any other witness is subjected to cross-examination. If you elect not to testify, no one but your attorney will be allowed to comment about that fact to the jury. Your attorney is bound to do everything he/she can honorably and reasonably do to see that you obtain a fair and impartial trial.

If you elect to proceed to trial, you come to court presumed to be innocent. This presumption of innocence will follow you throughout the trial until the State produces sufficient evidence to convince the jury (or the Court if the trial is non-jury) of your guilt beyond a reasonable doubt. You have no burden of proof in this case. If the State fails to meet its burden, you would be found not guilty. If you are entering a guilty plea to a charge for which you have not yet been indicted, you are waiving indictment by a grand jury and you will be pleading guilty to a charge preferred against you by a District Attorney's Information filed with the Court.

IF YOU PLEAD GUILTY, THERE WILL BE NO TRIAL. YOU WILL BE WAIVING THE RIGHTS OUTLINED ABOVE, EXCEPT YOUR RIGHTS RELATING TO REPRESENTATION BY AN ATTORNEY. THE STATE WILL HAVE NOTHING TO PROVE, AND YOU WILL STAND GUILTY AND BE CONVICTED AND SENTENCED BASED ON YOUR GUILTY PLEA. BY ENTERING A PLEA OF GUILTY, YOU WILL ALSO WAIVE YOUR RIGHT TO APPEAL, UNLESS (1) YOU HAVE, BEFORE ENTERING THE PLEA OF GUILTY, EXPRESSLY RESERVED THE RIGHT TO APPEAL WITH RESPECT TO A PARTICULAR ISSUE OR ISSUES, IN WHICH EVENT APPELLATE REVIEW SHALL BE LIMITED TO A DETERMINATION OF THE ISSUE OR ISSUES RESERVED, OR (2) YOU HAVE TIMELY FILED A MOTION TO WITHDRAW THE PLEA OF GUILTY AFTER PRONOUNCEMENT OF SENTENCE ON THE GROUND THAT THE WITHDRAWAL IS NECESSARY TO CORRECT A MANIFEST INJUSTICE, AND THE COURT HAS DENIED YOUR MOTION TO WITHDRAW YOUR PLEA, OR THE MOTION HAS BEEN DEEMED DENIED BY OPERATION OF LAW.

IF YOU HAVE A RIGHT TO APPEAL UNDER ONE OF THE CONDITIONS ABOVE AND YOU ARE DETERMINED BY THE COURT TO BE INDIGENT, COUNSEL WILL BE APPOINTED TO REPRESENT YOU ON APPEAL. IF YOU SO DESIRE AND IF THE APPEAL IS FROM A CIRCUIT COURT JUDGMENT OR SENTENCE, A COPY OF THE RECORD AND THE REPORTER'S TRANSCRIPT WILL BE PROVIDED AT NO COST TO YOU.

IF YOU HAVE ANY QUESTIONS ABOUT YOUR RIGHTS OR THE CONSEQUENCES OF PLEADING GUILTY, PLEASE LET THE COURT KNOW NOW AND FURTHER EXPLANATION WILL BE MADE.

Date 9/27/65

Judge ATTORNEY'S CERTIFICATE

I certify that the above was fully read to the Defendant by me; that I explained the penalty or penalties involved with the Defendant, that I discussed in detail the Defendant's rights and the consequences of pleading guilty; and that, in my judgment, the Defendant understands the same and that he/she is knowingly, voluntarily and intelligently waiving his/her rights and entering a voluntary and intelligent plea of guilty. I further certify to the Court that I have in no way forced or induced the Defendant to plead guilty and to my knowledge no one else has done so.

Date 9/27/05
Attorney Mr South 711

DEFENDANT'S STATEMENT OF WAIVER OF RIGHTS AND PLEA OF GUILTY

I certify to the Court that my attorney has read and explained the matters set forth above; that my rights have been discussed with me in detail and fully explained; that I understand the charge or charges against me; that I understand my rights, the punishment or punishments provided by law as they may apply to my case, and I understand the consequences of pleading guilty; that I am not under the influence of any drugs, medicines or alcoholic beverages; and I have not been threatened or abused or offered any inducement, reward, or hope of reward to plead guilty other than the terms of the plea agreement that will be stated upon the record.

I further state to the Court that I am guilty of the charge to which I am entering a plea of guilty, that I desire to plead guilty, that I made up my own mind to plead guilty, and that I knowingly, intelligently and voluntarily waive my right to a trial in this case. I further state to the Court that I am satisfied with my attorney's services and his/her handling of my case.

Date 9/27/65

tromey's services and his/her handling of my case.

Defendant Syll Ewil James.

# IN THE CIRCUIT COURT OF COVINGTON COUNTY, ALABAMA

STATE OF ALABAMA, Plaintiff,

vs. CC-2003-187-MAM

CC-2003-418-MAM

LARYIE JONES CC-2003-419-MAM

FILED IN OFFICE

CC-2004-347-MAM

APR 11 2005

#### MOTION TO CONTINUE

Ray A Parece

COMES NOW, LARYIE JONES, by counsel, and moves to CONTINUE the trial of this matter now set for April 25, 2005, and cites as grounds therefore as follows:

- 1. This Honorable Court granted the Defendant's motion for funds for an expert forensic chemist on February 15, 2005.
- 2. Counsel has offered to pay the custodian of evidence the mileage afforded state employees to transport the evidence to the designated forensic chemist in Auburn, Alabama to expedite the independent testing allowed and authorized by the Court. Counsel has also offered to pay the cost via UPS or FEDEx to transport the evidence. Counsel has offered to stipulate to the chain of custody and make no issue regarding same, at any stage of the case.
- 3. The custodian of the evidence has declined to release the evidence for testing without a court order. Therefore, no independent testing has taken place.

PREMISE considered, this Honorable Court is requested to continue this matter from the April 25, 2005, docket to permit testing. A separate request for an order to transport the evidence is requested.

Respectfully submitted this April 11, 2005.

Sydney Albert (Al) Smith

SMI098

Attorney at Law P. O. Drawer 389

Elba, Al 36323 Phone:

334-897-3658

Fax:

334-897-8633

**CERTIFICATE OF SERVICE** 

Page 1 of 2

## IN THE CIRCUIT COURT OF COVINGTON COUNTY, ALABAMA

	MOTION FOR CO	NITINITANCE	CLERR
DEFENDANT.			Por a Pormer
LARYIE EARL JONES DEFENDANT.	3		JUN 27 2005
VS.	}	CASE NO: CC-03-418	FILED IN OFFICE
PLAINTIFF,	}		
STATE OF ALABAMA,	}		

### MOTION FOR CONTINUANCE

COMES NOW the Defendant, Laryie Earl Jones by and through his counsel of record, A. Riley Powell, IV, and moves this Honorable Court to continue his trial, currently scheduled for the Week of June 27, 2005 and as grounds therefor sets down and assigns the following:

- 1. Counsel for Defendant was just recently appointed.
- 2. Counsel for Defendant has not had adequate time to prepare his case.
- 3. See attached Consent to Continuance executed by the Defendant.

Respectfully submitted this 27 day of \_\_\_\_

THE POWELL LAW FIRM, P.C.

A. Riley Powell, IV (POW029)

Post Office Drawer 969

Andalusia, Alabama 36420

334/222-4103

FILED IN OFFICE

FEB 1 8 2005

IN THE CIRCUIT COURT OF COVINGTON COUNTY, ALABAMA

STATE OF ALABAMA,

PLAINTIFF,

Vs.

LARYIE EARL JONES,

DEFENDANT.

CASE NOS. CC-2003-187

CC-2003-419 CC-2004-347

ORDER

The trial of this case as now set to transpire during the week of February 28, 2005, should be, and it therefore is, continued on motion of the defendant.

DONE and ORDERED this the 15th day of February, 2005.

CIRCUIT JUDGE

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	istrict or Municipal)	COURT OF	COVINGTON COUNT	Y , ALABAMA
STATE OF ALABAMA		(/V	ame of County or Munic	cipality)
	laintiff	V. LARYIE	EARL JONES	
For juvenile cases only):		,•	Defendar	nt
n the Matter of:				•
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continued, a	ll by consent.			• .
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		zum day or Apr.	11, 2005.	
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	-	Shley	M. Jathan	•
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